

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 5:05CR408
)	
Plaintiff,)	
)	
vs.)	Judge Peter C. Economus
)	
DEREK L. STEVENS,)	
)	
Defendant.)	<u>ORDER</u>

On February 23, 2006, the Defendant, Derek L. Stevens, was sentenced to thirty-three (33) months imprisonment, followed by two (2) years of supervised release, for Counterfeiting, a Class C felony. His supervised release commenced on February 4, 2009.

On or about August 26, 2010, the Defendant's probation officer submitted a Violation Report and Emergency Warrant Request based upon new criminal charges filed against the Defendant in Tuscarawas County. On August 31, 2010, the probation officer submitted a Superseding Violation Report alleging the following violations of the terms of supervised release:

- 1. New Law Violation** - On August 20, 2010, Mr. Stevens was arrested by the Tuscarawas County Sheriff's Office for Receiving Stolen Property (F5); Case No.:1008032. A preliminary hearing was held on August 26, 2010, and Mr. Stevens was released on a recognizance bond.
- 2. Unauthorized Use of Drugs** - On August 30, 2010, the offender submitted a urine specimen which tested positive for heroin and signed an acknowledgment form admitting such.

The matter was referred to Magistrate Judge Benita Y. Pearson to conduct the appropriate proceedings, except for sentencing, and to prepare a report and recommendation. The Defendant appeared before the Magistrate Judge for an initial appearance on the alleged violations on September 1, 2010, and was represented by counsel Debra Migdal. At the hearing, the Defendant admitted to violation two, but neither admitted nor contested violation one. The Magistrate Judge has issued a report and recommendation, recommending that the Court find that the Defendant has violated the terms of his supervised release, revoke the remaining term of supervised release, and sentence the Defendant to a term of sixty (60) days imprisonment followed by one year of supervised release. (Dkt. # 63).

The Court has reviewed the Magistrate Judge's report and recommendation and finds that it is well-supported. Furthermore, the parties have stipulated to the recommended sentence. The Defendant has admitted violation two of the probation officer's Superseding Violation Report. As a result, the Court finds that the Defendant has violated the terms of his supervised release.

The Court has considered the statutory maximum sentence of two years pursuant to 18 U.S.C. § 3583(e)(3). The Court has also considered the advisory policy statements set forth in Chapter Seven of the United States Sentencing Guidelines prior to imposing sentence. The guideline range is 8 to 14 months pursuant to U.S.S.G. § 7B1.4(a). Furthermore, the Court has considered the factors for sentencing listed in 18 U.S.C. § 3553(a) and 3583(d).

The Court hereby **ADOPTS** the Magistrate Judge's Report and Recommendation. (Dkt. # 63). Based on this Court's review of all relevant factors, the Court hereby orders that

the Defendant's supervised release is **REVOKED**, and the Defendant is sentenced to sixty (60) days imprisonment to be followed by one year of supervised release. Immediately upon release from imprisonment, the Defendant shall be placed in an inpatient drug treatment program. Upon completion of inpatient treatment, the Defendant shall participate in a long-term sober living program.

IT IS SO ORDERED.

Issued: September 8, 2010

s/ Peter C. Economus
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE